

REMARKS

Prior to this amendment, Claims 1-20 were pending in the application. By this amendment, Claims 2 and 15 are canceled. Hence, Claims 1, 3-14, and 16-20 are pending in the application.

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claim 4 was previously rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5, 7, 11, 14, 17, 18 and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Cheng et al. (“*Cheng*”; U.S. Pat. No. 6,823,462).

Claims 2-4, 6, 8-10, 12-13, 15-16, and 19 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Cheng* in view of Bendinelli et al. (“*Bendinelli*”; U.S. Pat. No. 6,631,416).

RESPONSE TO REJECTIONS NOT BASED ON THE PRIOR ART

Indefiniteness Rejections

Claim 4 was previously rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant responded to the rejection in his response to the First Office Action and requested reconsideration and withdrawal of the rejection. This Office Action does not address Applicant’s remarks, and Applicant craves clarification regarding the status of the previous rejection.

REJECTIONS BASED ON PRIOR ART

Rejections under 35 U.S.C. § 102(e)

(I) Claims 1, 5, 7, 11, 14, 17, 18 and 20

Claims 1, 5, 7, 11, 14, 17, 18 and 20 were rejected under 35 U.S.C. § 102(e) as anticipated by *Cheng*. This rejection is traversed.

Independent Claims 1, 14, 17, 18 and 20 have been amended to incorporate the subject matter of original Claim 2. Because Claim 2 was not alleged to be anticipated by *Cheng*, amended Claims 1, 14, 17, 18 and 20 contain one or more elements, limitations or steps that are not found in the cited prior art reference. Therefore, the anticipation rejections of Claims 1, 14, 17, 18 and 20 are overcome. *See Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

Because *Cheng* fails to disclose, teach, suggest, or in any way render obvious the limitations of Claims 1, 14, 17, 18 and 20, Applicant respectfully submits that, for at least the reasons stated above, Claims 1, 14, 17, 18 and 20 are allowable over the art of record and are in condition for allowance.

Claims 5, 7 and 11 are dependent claims, each of which depends (directly or indirectly) on Claim 1. Each of Claims 5, 7 and 11 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 5, 7 and 11 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this

time. Therefore, it is respectfully submitted that Claims 5, 7 and 11 are allowable for the reasons given above with respect to Claim 1.

Rejections under 35 U.S.C. § 103(a)

(I) Claims 2-4, 6, 8-10, 12-13, 15-16 and 19

Claims 2-4, 6, 8-10, 12-13, 15-16 and 19 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Cheng* in view of *Bendinelli*. This rejection is traversed.

Claim 2 and Claim 15 have been canceled; however, the subject matter of Claim 2 has been incorporated into Independent Claims 1, 14, 17, 18 and 20. Further, Claims 1, 14, 17, 18 and 20 are in condition for allowance, because the features of Claim 2 not taught, suggested or motivated by either *Cheng* or *Bendinelli* are now incorporated in the independent Claims. Therefore, a combination of *Cheng* or *Bendinelli* would not make Claims 1, 14, 17, 18 and 20 obvious to one skilled in the art at the time of the invention.

The Office Action recites the following as reasoning for the rejection of Claim 2:

As per claim 8, *Cheng* teaches the claimed invention as described above (see claim 1). *Cheng* further teaches the second description of network traffic comprises a response that includes: IP protocol information that is associated with the network traffic emanating from a destination end host, wherein the destination end host is associated with the second network device, an IP address that is associated with the second network device (*Cheng*: see for example, Column 7 Line 21-20, Column 6 Line 11-15 and Figure 5).

Cheng does not disclose expressly proxy addresses that are associated with a destination and host.

Bendinelli teaches proxy addresses that are associated with a destination end host (*Bendinelli*: see for example, Figure 15A & Column 38 Line 30-45). **See the same rationale of combination applied herein as above in rejecting claim 2.**

(Office Action, page 11)

From the above language, it appears the Examiner reasoned that Claim 2 is not allowable over *Cheng* in view of *Bendinelli* because *Cheng* allegedly teaches a

description of network traffic but does not disclose expressly the use of proxy addresses associated with a destination end host, while *Bendielli* teaches the use of proxy addresses that are associated with a destination end host.

In support of this position, the Office Action relies upon Figure 15A and the following language from *Bendielli*:

FIG. 14 depicts a tunnel 1430 established between a first gateway 1410 and a second gateway 1420, in accordance with the steps depicted in the flow chart shown in FIG. 13. To establish the tunnel 1430, the first gateway 1410 may contact the second gateway 1420 (step 1310) and attempt to establish the tunnel 1430 to the second gateway 1420 (step 1320). In the embodiment of FIG. 14, the second gateway 1420 appears on the partner list of the first gateway 1410 and the second gateway 1420 may include the first gateway 1410 on its partner list. In this embodiment, neither the first gateway 1410 (i.e., the originating gateway) nor the second gateway 1420 (i.e., the destination gateway) is behind a firewall (steps 1330 and 1340). The first gateway 1410 may then establish the tunnel to the second gateway 1420 (step 1350) and proceed to exchange information with the second gateway 1420 through the established tunnel 1430 (step 1360).

(*Bendielli*, column 38, lines 30-45)

Neither Fig. 15A nor any part of the above language even mentions proxies. Hence, *Bendielli* could not and does not provide a teaching of a first description comprising a first set of proxies, a second description comprising a second set of proxies, and the step of creating and storing a third description further comprising the step of determining a largest common subset between the first set of proxies and the second set of proxies.

As defined in the specification, “A description of the types of packets that will be protected by the secure tunnel is herein referred to as a ‘proxy.’” (page 3, lines 6-8)

Nowhere in the language cited by the Examiner in support of *Bendinelli* “teaching the use

of proxy addresses that are associated with a destination end host" is there a mention of a "proxy" as defined in the specification.

Further, there is no support in *Cheng* or *Bendinelli* for a motivation to combine the alleged "description of network traffic" in *Cheng* with the alleged "proxy addresses that are associated with a destination end host" in *Bendinelli*. Even if such a motivation existed, it would not teach, suggest or motivate the features claimed by amended Claims 1, 14, 17, 18 and 20.

Based at least on the foregoing distinctions between the disclosure of the *Cheng* and *Bendinelli* references and amended Claims 1, 14, 17, 18 and 20, which incorporate the limitations of rejected Claim 2, the references do not substantiate an obviousness rejection of Claims 1, 14, 17, 18 and 20.

Claims 3-4, 6, 8-10, 12-13 and 16 are dependent claims, each of which depends (directly or indirectly) on Claims 1, 14, 17, 18 and 20. Each of Claims 3-4, 6, 8-10, 12-13 and 16 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 3-4, 6, 8-10, 12-13 and 16 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time. Therefore, it is respectfully submitted that Claims 3-4, 6, 8-10, 12-13 and 16 are allowable for the reasons given above with respect to Claims 1, 14, 17, 18 and 20 as incorporating the base limitations of Claim 2. Withdrawal of the rejection of Claims 3-4, 6, 8-10, 12-13 and 16 under 35 U.S.C. § 103(a) is requested.

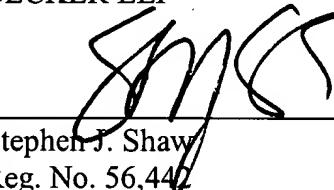
CONCLUSION

For at least the reasons indicated above, Applicants submit that pending Claims 1, 3-14 and 16-20 present patentable subject matter over the references of record, and are in condition for allowance after consideration of the amendments. Therefore, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner has questions regarding this case, the Examiner is invited to contact Applicant's undersigned representative.

Please charge any shortages in fees due in connection with the filing of this paper, including extension of time fees, or credit any overages to Deposit Account No. 50-1302.

Respectfully Submitted,

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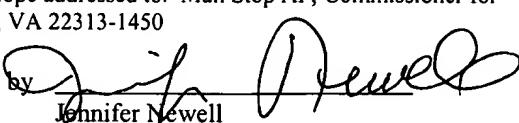
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